

III. REMARKS

1. Claims 1-13 remain in the application.
2. Applicants respectfully submit that claims 1-13 are patentable over the combination of Roy et al. (US 6,118,540, "Roy") and Carmeli et al. (US 6,414,708, "Carmeli") under 35 USC 103(a).

The combination of Roy and Carmeli fails to disclose or suggest an optical system arranged such that a 2D image and a 3D image of a target area have the same optical path length from the target to a sensor, as recited by claim 1, or appear in a same focal plane as recited by claim 7.

The cited combination also fails to disclose or suggest utilizing a plurality of light beam paths to illuminate a target so that a 2D and 3D image of a target appear in the same focal plane, as recited by claim 13.

Roy is directed to automatically inspecting 2D and 3D aspects of objects with a single camera. However, Roy has no disclosure related to 2D and 3D images having the same optical path length from a target to a sensor, appearing in the same focal plane. Both Roy's abstract and column 4, lines 24-67 describe collecting 2D and 3D image data, but neither portion has anything related to 2D and 3D images having the same optical path or appearing in the same focal plane.

A careful reading of Roy in its entirety finds no disclosure related to these features. There is a reference to focusing in column 3, lines 20-23, stating that a camera looks straight down so there is no need for achieving focus through the Scheimpflug condition. It is known in the art that in the Scheimpflug

condition, an object plane, image plane, and median plane all intersect at a common point. Thus, even this portion of the reference has no relation to the claimed features.

Carmeli discloses a 3D stereoscopic imaging system, however, like Roy, Carmeli has no disclosure related to 2D and 3D images having the same optical path or appearing in the same focal plane.

Therefore, the combination of Roy and Carmeli fails to disclose or suggest all the features of independent claims 1, 7, and 13 and dependent claims 2-6 and 8-12, and fails to render these claims unpatentable.

For all of the foregoing reasons, it is respectfully submitted that all of the claims now present in the application are clearly novel and patentable over the prior art of record, and are in proper form for allowance. Accordingly, favorable reconsideration and allowance is respectfully requested. Should any unresolved issues remain, the Examiner is invited to call Applicants' attorney at the telephone number indicated below.

The Commissioner is hereby authorized to charge payment for any fees associated with this communication or credit any over payment to Deposit Account No. 16-1350.

Respectfully submitted,

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7 June 2006
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